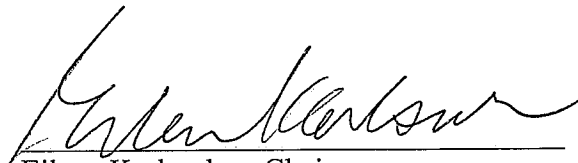


POLICY ON GRIEVANCES THAT HAVE BEEN DELAYED OR DENIED APPEAL  
TO THE CIVIL SERVICE COMMISSION

When the Human Resources Director (HRD) receives and has made the determination that a grievance pursuant to Step Five of the City of El Paso Employee Grievance Procedure (an appeal to the Civil Service Commission (CSC)) should be denied or delayed because the rule, policy, procedure or regulation alleged to have been violated falls outside the purview of the CSC and/or that the CSC does not have the authority to grant the relief sought by the employee or for any other reason, the CSC shall be provided the opportunity to review the grievance and the HRD's response to the grievant and make a determination of whether or not to hear and act on the grievance. This determination by the CSC shall proceed as follows:


- A. The Human Resources Director will prepare a written response to the Grievant/Appellant employee ("Employee") addressing the following points, which shall be reviewed and approved by the City Attorney or her designee:
  - 1. The rule, policy, procedure or regulation alleged to have been violated.
  - 2. Restatement of the Employee's complaint and remedy sought.
  - 3. Explanation of why the Employee's grievance does not fall within the purview or into a category that can be acted upon by the CSC or was delayed (e.g., the CSC lacks jurisdiction to grant the remedy sought, the CSC lacks the authority to act under the rule alleged to have been violated, the grievance is not ripe, the Employee did not follow the grievance procedure, etc.).
- B. The Secretary for the Civil Service Commission will place on the next available Commission agenda an item for discussion and action identifying the subject grievance by the Employee's name as one that has been denied or delayed submission to the CSC by the HRD. The agenda item will include as back-up: (i) a copy of the written response that was provided to the Employee by the HRD; and (ii) a copy of the completed Employee Grievance Form, including any additional supporting documents supplied by the Employee.
- C. At this meeting, if the Commission wishes to place the denied or delayed grievance on the next available Civil Service Commission agenda for its review and action, it may do so by a majority vote of the Commission.
- D. In the absence of a motion passed by majority vote of the Commission to place the denied grievance on the next available Civil Service Commission agenda for review and action by the CSC, the determination of the HRD (as embodied in her written response to the Employee) shall be final and binding, and the grievance shall no longer be appealable to the CSC.

PASSED and APPROVED on this 10<sup>th</sup> day of May, 2012.



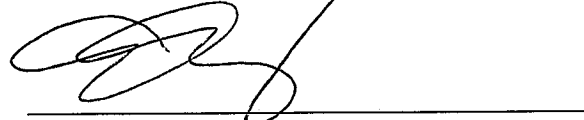
Eileen Karlsruher, Chair  
Civil Service Commission

ATTEST:



Linda Ball Thomas, Secretary  
Civil Service Commission

APPROVED AS TO FORM:



Elizabeth M. Ruhmann  
Assistant City Attorney